

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO.: 04-CV-12253MLW**

<b>STEVEN McDERMOTT,</b>	)
<b>Plaintiff,</b>	)
	)
<b>and</b>	)
	)
<b>STACEY McDERMOTT</b>	)
<b>Plaintiff,</b>	)
	)
<b>vs.</b>	)
	)
<b>FEDEX GROUND PACKAGE</b>	)
<b>SYSTEMS, INC.,</b>	)
<b>Defendant,</b>	)
	)
<b>and</b>	)
	)
<b>T.S. PRUITT</b>	)
<b>Defendant.</b>	)

**JOINT MOTION TO EXTEND DISCOVERY DEADLINES**

Plaintiffs Steven and Stacey McDermott ("Plaintiffs") and defendants FedEx Ground Package Systems, Inc. ("FedEx") and T.S. Pruitt ("Defendants") (collectively referred to as "the parties"), jointly move for an extension of the discovery deadlines in this case. As grounds for their motion, the parties state the following:

The plaintiff Steven McDermott alleges that on February 7, 2003 he was operating his tractor-trailer on Interstate 84 Eastbound in the Commonwealth of Pennsylvania. He further alleges that he stopped his tractor-trailer on Interstate 84 for an unrelated accident that had occurred prior to his arrival. Mr. McDermott also alleges that FedEx's tractor-trailer, being operated by co-defendant T.S. Pruitt on Interstate 84 Eastbound, was unable to stop and struck the plaintiff with excessive force, causing injuries to the plaintiff. He has filed suit against FedEx

and T.S. Pruitt alleging that the cause of the accident was T.S. Pruitt, as an agent for FedEx, for negligently operating the tractor-trailer. Mr. McDermott alleges he injured his back from the accident and that he can no longer work again. He is seeking over \$50,000 in lost wages and an unspecified amount in future lost earnings. Fact discovery is currently scheduled to conclude on September 15, 2006.

The parties have been conducting written discovery. FedEx has scheduled the deposition of plaintiff Steven McDermott for August 7, 2006. In addition, Mr. McDermott is scheduled to undergo a physical examination by the Defendants' medical expert on August 8, 2006 and to interview with the Defendants' vocational expert on August 9, 2006. FedEx has also scheduled the depositions of fact witnesses J.T. Fosbrink, Trooper Jennifer Kosakevitch, Trooper P.J. McGurrin, Trooper William Hartshorn, and Corporal Bradley Beech on August 14-16, 2006. The deposition of defendant Timothy Pruitt will be scheduled for a time in early October, 2006. FedEx is also in the process of scheduling additional fact witness depositions.

The parties only request a sixty day extension of the discovery deadlines to complete discovery. No trial date has yet been scheduled, and that the date of the Case Management Conference for January 8, 2007 will not be affected by this extension. Furthermore, FedEx's Motion to Transfer Venue is pending.

WHEREFORE, the parties jointly request that their motion be granted and to allow for the following new deadlines in the case:

1. Written discovery and non-expert depositions completed by November 15, 2006.
2. Plaintiffs' experts disclosed by November 30, 2006.
3. Defendants' experts disclosed by January 15, 2007.
4. Expert depositions completed by March 1, 2007.

Dated: August 11, 2006

**The Plaintiffs**  
**STEVEN & STACEY MCDERMOTT**  
**By Their Attorney,**

/s/ Joseph Mahaney

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**The Defendants**  
**FED EX GROUND SYSTEMS, INC.**  
**and T.S. PRUITT**  
**By Their Attorneys,**

/s/ Adam A. Larson

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**CERTIFICATE OF SERVICE**

I, Adam A. Larson, of Campbell Campbell Edwards & Conroy Professional Corporation, hereby certify that on August 11, 2006 a true copy of the above document was served upon the attorney of record by First Class Mail and electronically.

/s/ Adam A. Larson

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Adam A. Larson